

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TOMIKA MILLER and the
ESTATE OF RAYSHARD BOOKS,
by and through TOMIKA MILLER,
Administratrix,

Plaintiffs,

CIVIL ACTION FILE NO.
1:21-cv-03752-SDG

v.

CITY OF ATLANTA, GEORGIA,
GARRETT ROLFE, and DEVIN
BROSNAN,

Defendants.

CITY OF ATLANTA, GEORGIA'S MOTION TO DISMISS

COMES NOW CITY OF ATLANTA, GEORGIA (the "City"), Defendant herein, and files and serves this its Motion to Dismiss Plaintiffs' Complaint for Violation of Civil Rights, pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. For the reasons stated in the City's Brief in Support of its Motion to Dismiss, which is filed contemporaneously with this Motion, the City respectfully requests that this Honorable Court grant its Motion and dismiss Plaintiffs' claims against it.

Respectfully submitted this 22nd day of October, 2021.

<p>191 Peachtree Street, N.E. Suite 2900 Atlanta, GA 30303-1775 Tel: (404) 954-5000 Fax: (404) 954-5020 dware@hallboothsmith.com pfriduss@hallboothsmith.com nkinsley@hallboothsmith.com</p>	<p>HALL BOOTH SMITH, P.C. <i>/s/ R. David Ware</i> <i>/s/ Phillip E. Friduss</i> R. DAVID WARE Georgia Bar No. 737756 Phillip E. Friduss Georgia Bar No. 277220 Nicholas A. Kinsley Georgia Bar No. 276862 <i>Counsel for Defendant City of Atlanta</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically submitted the foregoing
CITY OF ATLANTA, GEORGIA'S MOTION TO DISMISS to the Clerk of
Court using the CM/ECF system which will automatically send electronic mail
notification of such filing to counsel of record who are CM/ECF participants.
Counsel of Records are:

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Attorneys for Plaintiffs

Respectfully submitted this 22nd day of October, 2021.

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